

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADIL HIRAMANNEK, et al.,
Plaintiffs,
v.
RICHARD LOFTUS, et al.,
Defendants.

Case No. [3:13-cv-00228-JD](#)

**ORDER RE
RECONSIDERATION**

Re: Dkt. Nos. 768, 767

Pro se plaintiffs Adil and Roda Hirananeck (“Hirananeck”) have filed a motion for reconsideration of Judge Ronald M. Whyte’s order denying plaintiffs’ motion for a new trial, Dkt. No. 768, and an administrative motion for leave to file excess pages in the reconsideration motion, Dkt. No. 767. The motions are denied.

Adil Hirananeck has been declared a vexatious litigant in the United States District Court for the Northern District of California and in the California state court system. *Hirananeck v. California Judicial Council, et al.*, Case No. 5:15-cv-4377-RMW, Dkt. No. 34 (N.D. Cal. Oct. 31, 2016) (“Vexatious Litigant Order”); Dkt. No. 732-4, Exh. A. He has consistently engaged in frivolous motion practice, imposing significant unnecessary costs on many adverse parties and a needless burden on the courts. Vexatious Litigant Order at 17. In this action alone, Hirananeck has filed 91 motions, all of which have been denied. Many of those motions substantially exceed the page limits imposed by the local rules. These facts provide important context to the currently pending motions.

Hirananeck’s oversize motion for reconsideration, Dkt. No. 768, is frivolous and fails to comply with the Local Rules. Hirananeck has violated Civil Local Rule 7-9(a) by filing a motion for reconsideration without first obtaining leave of Court. The motion could properly be denied on that basis alone. The motion also flouts Local Rule 7-9(c) by repeating several arguments

Hiramanek made in the prior unsuccessful motion for a new trial, including inflammatory accusations against Judge Whyte that lack any evidentiary support whatsoever. *See* Dkt. No. 712 at 24; Dkt. No. 768 at 2. In addition, Hirananeek fails to raise a proper basis for reconsideration. Contrary to Hirananeek's assertion, there has been no emergence of any material fact since the entry of Judge Whyte's order denying a new trial. Dkt. No. 768 at 2. Hirananeek says he recently discovered that Judge Whyte, while in private practice in the 1970's and 1980's, sometimes represented Santa Clara County. *Id.* But that fact is wholly immaterial to any of the issues addressed in Judge Whyte's order denying Hirananeek's motion for a new trial. Nor has there been a manifest failure to consider any material facts or dispositive legal arguments previously presented to the Court. Nearly all of the "facts" and legal arguments referenced in Hirananeek's motion are simply disagreements with rulings made by Judge Whyte in the underlying trial, and are rehashed versions of arguments presented in Hirananeek's motion for a new trial. *See generally* Dkt. No. 712; Dkt. No. 768. The remainder, generally, are allegations that Judge Whyte's order denying a new trial was "fraudulently engineer[ed]," that the same order somehow defamed Hirananeek, and that this entire case has been "rigged" against Mr. Hirananeek. Dkt. No. 768 at 34. These wholly unsubstantiated arguments are frivolous, and the motion for reconsideration is denied.

Hirananeek's motion for leave to file an overlong motion for reconsideration, Dkt. No. 767, is also denied. Hirananeek argues that the existence of "about 50 errors" in Judge Whyte's order denying a new trial -- which, Hirananeek argues, was actually "engineered/authored" by Defendants" -- necessitates the excess pages. *Id.* at 1. But the Court has reviewed Hirananeek's motion for reconsideration, Dkt. No. 68, as well as Judge Whyte's order denying a new trial, Dkt. No. 758, and concludes that Hirananeek's motion does not identify *any* proper bases (much less 50

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of them) for reconsideration of Judge Whyte's order. Hirananeek's motion for leave is consequently denied.

IT IS SO ORDERED.

Dated: November 15, 2016



JAMES DONATO
United States District Judge